

## Message Text

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PAGE 01 GENEVA 11130 191737Z  
ACTION EB-08

INFO OCT-01 EA-10 IO-13 ISO-00 STRE-00 AF-10 ARA-10  
EUR-12 NEA-10 OIC-02 AGRE-00 CEA-01 CIAE-00  
COME-00 DODE-00 FRB-03 H-01 INR-10 INT-05 L-03  
LAB-04 NSAE-00 PA-01 CTME-00 AID-05 SS-15 STR-07  
ITC-01 TRSE-00 SP-02 SOE-02 OMB-01 DOE-15 NSCE-00  
SSO-00 ICAE-00 INRE-00 /152 W  
-----098038 191746Z /45

O 191715Z JUL 78  
FM USMISSION GENEVA  
TO SECSTATE WASHDC IMMEDIATE 2297  
INFO AMEMBASSY TOKYO

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PASS STR ELECTRONICALLY

E.O. 11652: N/A  
TAGS: ETRD, GATT, JA  
SUBJECT: GATT COUNCIL - U.S. ARTICLE XXIII COMPLAINT  
AGAINST JAPANESE RESTRAINTS ON LEATHER

REF: STATE 181500

1. JAPANESE DEL (TAMORI) CALLED ON US JULY 18 AND 19 TO  
DISCUSS U.S. COMPLAINT UNDER ARTICLE XXIII AGAINST  
JAPANESE RESTRAINTS ON IMPORTS OF LEATHER. TAMORI  
EXPRESSED JAPANESE CONCERN OVER POLITICAL SENSITIVITY  
OF LEATHER AND THEIR DESIRE TO CAREFULLY ORCHESTRATE  
ANY HANDLING OF THE COMPLAINT IN THE GATT COUNCIL. THEY  
OBVIOUSLY FEAR A PUBLIC DISPUTE ON THE ISSUE AT THIS TIME.  
JAPANESE DEL ALSO DISCUSSED PROCEDURES FOLLOWED THUS FAR  
AND QUESTIONED IF U.S. HAD FOLLOWED PROPER GATT PROCE-  
DURES. RECALLING SAME PROBLEM WE HAD HAD WITH JAPAN ON  
THROWN SILK CASE, WE INDICATED THAT IT WAS OUR UNDER-  
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STANDING THAT JAPANESE AUTHORITIES HAD BEEN NOTIFIED  
IN WRITING THAT CONSULTATIONS IN MAY WERE TO BE HELD  
UNDER ARTICLE XXIII:1. JAPANESE DEL SAID THAT HE WOULD  
CHECK THIS BUT HIS INITIAL REPORTS FROM TOKYO WERE THAT  
WE HAD NOT INDICATED TO JAPANESE THAT CONSULTATIONS WERE  
UNDER ARTICLE XXIII:1. TAMORI ALSO NOTED THAT THERE IS  
A STANDARD PROCEDURE FOR CONSULTATIONS FOR RESIDUAL RES-

TRAINTS WHICH ARE CONTAINED IN 9 BISD, PAGE 19, AND WHICH CALL FOR CONSULTATIONS UNDER ARTICLE XXII. WE NOTED THAT THESE SPECIAL PROCEDURES FOR RESIDUAL RESTRAINTS WOULD NOT, OF COURSE, PREVENT ANY CP FROM USING THE PROCEDURES OF ARTICLE XXIII.

2. TAMORI ASKED WHICH GATT COMMITMENTS WE WOULD CLAIM JAPAN HAD FAILED TO FULFILL. WE REPLIED, ALTHOUGH WE HAD NOT YET RECEIVED INSTRUCTIONS, IT WAS CLEAR FROM OUR WRITTEN NOTIFICATION THAT JAPANESE RESTRAINTS WERE NOT JUSTIFIED UNDER ARTICLE XI AND THAT OUR REFERENCE TO NULLIFICATION AND IMPAIRMENT COMES UNDER ARTICLE XXIII. TAMORI ASKED THAT ANY TERMS OF REFERENCE FOR A PANEL BE WORKED OUT IN ADVANCE. WE AGREED AND NOTED THAT STANDARD TERMS OF REFERENCE WERE FOR A PANEL TO EXAMINE THE COMPLAINT BROUGHT BY A CP AND TO REPORT ITS FINDINGS TO THE COUNCIL.

3. COMMENT: WE EXPECT THAT THE JAPANESE MAY USE PROCEDURAL PLOYS TO DELAY THE ESTABLISHMENT OF A PANEL AT THIS COUNCIL. THEY MAY ARGUE EITHER THAT THE U.S. HAS NOT FOLLOWED THE PROPER PROCEDURES OR THAT GOJ HAS NOT HAD SUFFICIENT TIME TO STUDY U.S. WRITTEN COMPLAINT. END COMMENT. VANDEN HEUVEL

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## Message Attributes

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**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** LEATHER  
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**Draft Date:** 19 jul 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
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**Disposition Reason:**  
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**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
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**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
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**Subject:** GATT COUNCIL - U.S. ARTICLE XXIII COMPLAINT AGAINST JAPANESE RESTRAINTS ON LEATHER  
**TAGS:** ETRD, JA, GATT  
**To:** STATE  
**Type:** TE  
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**Review Markings:**  
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